

**ASSEMBLY BILL**

**No. 1590**

**Introduced by Assembly Member Laird**

February 21, 2003

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An act to add Section 6518.5 to the Government Code, and to add Chapter 8 (commencing with Section 133000) to Division 12.7 of the Public Utilities Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 1590, as introduced, Laird. Santa Cruz County Highway 1 Widening/HOV Authority.

Existing law authorizes various local entities to carry out transportation functions within their respective areas of jurisdiction.

This bill authorizes the Santa Cruz County Board of Supervisors, the Santa Cruz Metropolitan Transit District, and the Santa Cruz County Regional Transportation Commission to enter into a joint powers agreement to create the Santa Cruz County Highway 1 Widening/HOV Authority. The bill would authorize the authority to develop and construct the Highway 1 Widening/HOV project in Santa Cruz County. The bill would provide for a 5-member board to govern the authority. The bill would require the authority to adopt a budget, hire an independent staff, and adopt regulations necessary to carry out its functions. The bill would authorize the authority to accept grants, fees, acquire property necessary or incidental to the exercise of its powers, incur indebtedness, and enter into contracts. The bill would require the authority to dissolve within 180 days after the completion of the project.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 6518.5 is added to the Government Code, to read:

6518.5. Notwithstanding any other provisions of law, the Santa Cruz County Board of Supervisors, the Santa Cruz Metropolitan Transit District, and the Santa Cruz County Regional Transportation Commission may enter into a joint powers agreement to create and operate a joint powers agency for the development and construction of the Highway 1 Widening/HOV Project. The agency created pursuant to this section shall be known as the Santa Cruz County Highway 1 Widening/HOV Authority, hereinafter referred to as “the authority,” which shall have all the powers and duties afforded to the authority pursuant to Chapter 8 (commencing with Section 133000) of Division 12.7 of the Public Utilities Code as well as all the powers of a joint powers agency pursuant to this chapter.

SEC. 2. Chapter 8 (commencing with Section 133000) is added to Division 12.7 of the Public Utilities Code, to read:

CHAPTER 8. SANTA CRUZ COUNTY HIGHWAY 1 WIDENING/HOV  
AUTHORITY

133000. For purposes of this chapter, the following terms have the following meanings:

(a) “Authority” means the Santa Cruz County Highway 1 Widening/HOV Authority created in accordance with Section 6518.5 of the Government Code.

(b) “Board” means the governing board of the authority.

(c) “Board of supervisors” means the Santa Cruz County Board of Supervisors.

(d) “Commission” means the Santa Cruz County Regional Transportation Commission.

(e) “Transit district” means the Santa Cruz Metropolitan Transit District.

(f) “County” means the County of Santa Cruz.

(g) “Project” means the Highway 1 Widening/HOV Project extending from Highway 9 in the City of Santa Cruz to San Andreas Road/Larkin Valley Road in Santa Cruz County.

1 133001. The authority is hereby created as a joint powers  
2 agency in accordance with Section 6518.5 of the Government  
3 Code for the purpose of awarding and overseeing all  
4 environmental review, design, construction, and other necessary  
5 contracts for completion of the project.

6 133002. (a) The authority shall be governed by a board  
7 consisting of five voting members.

8 (b) All members shall serve a term of not more than one year,  
9 with no limit on the number of terms that may be served by any  
10 person. If any member ceases to be eligible, the member shall  
11 cease to be a member of the authority, and another member shall  
12 be appointed for the remainder of the term pursuant to this section.

13 (c) Members of the board shall be subject to the Political  
14 Reform Act of 1974 (Title 9 (commencing with Section 81000) of  
15 the Government Code).

16 133003. (a) The authority at its first meeting, and thereafter  
17 annually at the first meeting in January, shall elect a chairperson  
18 and vice chairperson from among the membership of the board.  
19 The chairperson shall preside at all meetings and the vice  
20 chairperson shall preside in his or her absence. In the event of their  
21 absence or inability to act, the members present, by an order  
22 entered in the minutes, shall select one of their members to act as  
23 chairperson pro tempore who, while so acting, shall have all of the  
24 authority of the chairperson.

25 (b) A majority of the voting members authorized for the  
26 authority shall constitute a quorum for the transaction of business,  
27 and all official acts of the authority shall require the affirmative  
28 vote of a majority of the voting members of the authority.

29 (c) All meetings of the authority shall be conducted pursuant to  
30 Chapter 9 (commencing with Section 54950) of Part 1 of Division  
31 2 of Title 5 of the Government Code.

32 133004. The authority shall do all of the following:

33 (a) Adopt an annual budget, hire an independent staff of its  
34 own, and fix the compensation of its officers and employees.

35 (b) Adopt by resolution, an administrative code in accordance  
36 with any applicable laws that prescribes the powers and duties of  
37 the authority officers, the method of appointment of the authority  
38 employees, and methods, procedures, and systems of operation  
39 and management of the authority.

(1) The administrative code adopted under subdivision (b) shall include a code of conduct for employees and board members that is consistent with Sections 84308 and 87103 of the Government Code and prohibits board members and staff from accepting gifts valued at ten dollars (\$10) or more from contractors, potential contractors, or their subcontractors.

(2) The code shall require the disclosure, on the record, of the proceedings by the officer of the agency who receives a contribution within the preceding 24 months in an amount of more than two hundred fifty dollars (\$250) from a party or participant to a proceeding, and the disclosure by the party or participant.

(3) The code shall provide that no officer of the agency shall make, participate in making, or in any way attempt to use his or her official position to influence the decision in a proceeding, as described in Section 84308 of the Government Code, if the officer has willfully or knowingly received a contribution in the amount of more than two hundred fifty dollars (\$250) within the preceding 24 months from a party or his or her agent, or from any participant or his or her agent if the participant has a financial interest in the decision.

(4) Any officer deemed ineligible to participate in a proceeding due to the provisions of this code of conduct may be replaced for the purposes of that proceeding by an appointee chosen by the appropriate appointing authority.

(5) Under the code of conduct, board members shall be deemed to have a financial interest in a decision within the meaning of Section 87100 of the Government Code if the decision involves the donor of, or intermediary or agent for a donor of, a gift or gifts aggregating ten dollars (\$10) or more in value within the 12 months prior to the time the decision was made.

(c) Cause a postaudit of the financial transactions and records of the authority to be made at least annually by a certified public accountant.

(d) Do any and all things necessary to carry out the purposes of this chapter.

133005. The authority has all of the powers necessary for planning, developing, designing, funding and building the project including, but not limited to, the following:

(a) Accept grants, fees, and allocations from the federal government, state, local agencies, and private entities.

1 (b) Acquire, through purchase, any property necessary for,  
2 incidental to, or convenient for, the exercise of the powers of the  
3 authority.

4 (c) Incur indebtedness, secured by pledges of revenue available  
5 for project completion.

6 (d) Make contracts and enter into stipulations of any nature  
7 whatsoever to indemnify and hold harmless, to employ labor, and  
8 to do all acts necessary and convenient for the full exercise of the  
9 powers granted in this chapter.

10 133006. The authority shall not encumber the project with  
11 any obligation that is transferable to any other agency upon  
12 completion of the design and construction of the project.

13 133007. The authority shall be dissolved within 180 days  
14 after the completion of the project and acceptance by the  
15 Department of Transportation of responsibility for operating and  
16 maintaining the project.

